

# SUMMARY ANALYSIS OF AMENDED BILL

## Franchise Tax Board

Author: Wayne Analyst: Kristina E. North Bill Number: AB 1822

Related Bills: See Prior Analysis Telephone: 845-6978 Amended Date: April 25, 2000

Attorney: Patrick Kusiak Sponsor:

**SUBJECT:** Administrative Procedure Act/State Agency Regulations

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended \_\_\_\_\_.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as amended April 5, 2000.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO \_\_\_\_\_.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED APRIL 5, 2000 STILL APPLIES.

OTHER - See comments below.

### SUMMARY OF BILL

Under the Administrative Procedures Act (the Act) in the Government Code, this bill makes various changes to the rulemaking process including making the rulemaking file available to the public for inspection and copying during regular business hours beginning on or before the published notice date.

This analysis does not address the bill's provisions applicable to the rulemaking process that do not impact the department's programs and operations.

### SUMMARY OF AMENDMENT

The April 25, 2000, amendment specified that if a state agency makes an initial determination that a regulatory action may have a significant adverse economic impact on business, it must provide a statement based on that determination, rather than on the agency's belief, as currently provided in law.

Except for these changes, the department's analysis of the bill as amended April 5, 2000, still applies. The department's implementation concern and Board Position are restated below for convenience.

### Implementation Consideration

This bill would impact the department by requiring that rulemaking files be available for public inspection and copying during working hours. The period the files are to be available begins on or before the published notice of proposed action and extends the entire time the department has possession of the file.

#### Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Legislative Director

Date

Johnnie Lou Rosas

5/10/00

It is unclear at what location the department must make the file available (i.e., the original rulemaking file is created and maintained in the headquarters office; however, a member of the public makes a request to inspect and copy the rulemaking file at a district office in another city). Clarification is needed on this issue.

**BOARD POSITION**

Pending.